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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/643,917	08/20/2003	Tsuneo Kagotani	116900	4775
25944 75	590 03/27/2006		EXAM	INER
OLIFF & BERRIDGE, PLC			NGUYEN, TAI V	
P.O. BOX 19928 ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER
ALEXANDRIA	A, VA 22320		3729	
			DATE MAILED: 03/27/200	4

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/643,917	KAGOTANI ET AL.
Office Action Summary	Examiner	Art Unit
	Tai Van Nguyen	3729
The MAILING DATE of this communication appreciate for Reply		vith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN (36(a). In no event, however, may a will apply and will expire SIX (6) MC	ICATION. Treply be timely filed INTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).
Status	•	
1) Responsive to communication(s) filed on 20 A	<u>Nugust 2003</u> .	
2a) This action is FINAL . 2b) ☐ This	s action is non-final.	
3)☐ Since this application is in condition for allowated closed in accordance with the practice under	ince except for formal ma <i>Ex parte Quayle</i> , 1935 C.	tters, prosecution as to the merits is D. 11, 453 O.G. 213.
Disposition of Claims		
4) Claim(s) 1-6 is/are pending in the application. 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-6 are subject to restriction and/or example.	awn from consideration.	
Application Papers 9)☐ The specification is objected to by the Examin	er	
10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected t e drawing(s) be held in abey ction is required if the drawi	ance. See 37 CFR 1.85(a). ng(s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Bure. * See the attached detailed Office action for a list	nts have been received. nts have been received in ority documents have be au (PCT Rule 17.2(a)).	Application No en received in this National Stage
Attachment(s)		
Attachment(s) 1) Notice of References Cited (PTO-892)		w Summary (PTO-413)
2) Notice of Praftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Pager No(s)/Mail Date		No(s)/Mail Date of Informal Patent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-4 and 6, drawn to a magneto resistance effect element bar exposure, classified in class 29, subclass 603.09.
 - II. Claim 5, drawn to a magneto resistance effect element bar, classified in class 360, subclass 313.

The inventions are distinct, each from the other because of the following reason:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the productive of Group II, can be made by a materially a materially different process, such as one without detecting and beam shifting.
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 4. If applicants elect inventions Group I, a further restriction to one of the following inventions is required under 35 U.S.C. 121.
- I-A Claims 1-3, drawn to a magneto resistance effect element bar exposure, classified in class 29, subclass 603.08;

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I-B Claim 4, drawn to a magneto resistance effect element bar formation, classified in class 29, subclass 603.15; and

- I-C Claim 6, drawn to a control method for an exposure device that comprise a drive system for shifting a substrate, classified in class 29, subclass 603.04.
- 5. Inventions I-A, I-B and I-C are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I-A has separate utility such as detecting the positions of a plurality of alignment marks formed on a substrate. See MPEP § 806.05(d).
- 6. Because these inventions are distinct for the reasons given above and the search required for Group I-A is not required for Group I-B and I-C, restriction for examination purposes as indicated is proper.
- 7. A telephone call was made to Jesse O. Collier on 3/21/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai Van Nguyen whose telephone number is 571-272-4567. The examiner can normally be reached on M-F (7:30 A.M - 4:30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN. March 21, 2006

A. DEXTER TUGBANG PRIMARY EXAMINER